

## How do you get documents to the Court for review?

Before the Travis County Clerk's Office implemented its current document management system, the Clerk's Office printed pleadings and forwarded them to the Court. Now the Clerk's Office no longer prints pleadings for the Court or for a physical file – and that changes the dynamic of how you need to get documents to the Court for review. See below and the next page for the typical procedures for getting pleadings or proposed orders to the Court for review in the following situations:

1. Procedures for **all will prove-ups and heirships** (whether on the uncontested probate docket or on the regular docket). See #1 below.
2. Procedures for **annual and final accounts**. See #2 below.
3. Procedures when you think a proposed order **can be signed without a hearing**. See #3 below and on the next page.
4. Procedures for pleadings and proposed orders **when there will be a hearing** (except for will prove-ups and heirships). See #4 on the next page.

### 1. Procedures for all will prove-ups and heirships (uncontested probate docket or regular docket)

For information about how to get documents to the Court for all will prove-ups and heirships – on the uncontested probate docket or on the regular docket – please see the Court's detailed handout: *Submitting Paperwork for Will Prove-ups and Heirships: When & How*. The handout is available at the Court or on the Court's website.

### 2. Procedures for annual and final accounts

For information about how to get to the Court everything that must be submitted before the Court can review an annual or final account, please see Administrative Order 2019-4, available at the Court or on the Court's website.

### 3. Procedures when you think a proposed order can be signed without a hearing

E-file **in the same e-filing envelope** both (1) the motion/application and (2) the proposed order as separate lead documents. Note that a cover letter is no longer needed as a first page to the proposed order. Because these orders will be electronically signed if there is no need for a hearing, please follow the guidelines below and on the next page when drafting the e-filed order:

- (1) *When an order will be electronically signed*, you don't need to include a date line before the signature at the end of the proposed order; the date will be automatically added with the electronic signature.
- (2) Do not leave a blank to be filled in with the date the order is signed at the beginning of a proposed order. If you want to begin an order by referring to the date the order will be signed, put "On this day" instead of "On \_\_\_\_\_," since the signature date will provide the needed information.
- (3) When you have a proposed order that includes a **necessary** blank – for example an attorney fee order – be sure to leave enough vertical and horizontal space for the blank to be filled in electronically. (Not single spaced, and not too short a line.)

If the Court needs to change an order, the Court may later ask you to email the proposed order to the Court.

### When Can an Order Be Signed Without a Hearing?

There is no comprehensive list of orders that can be signed without a hearing, nor is there a comprehensive list of orders that can never be signed without a hearing. But the lists below may give you a better sense of what types of pleadings typically do and don't require a hearing before an order can be signed.

Note the "usually" in both lists below; there are exceptions. For example, even if it's a type of pleading that can usually be acted on without a hearing, the Court will require a hearing if someone has filed an objection to the pleading. Exceptions to the "usually require a hearing list" are less common, but they do occur. For example, if the Court is very familiar with a case from previous hearings – including hearings on similar pleadings – the Court might decide to act on a pleading without a hearing if no objection has been filed.

#### **Examples of pleadings that can usually be acted on without a hearing:**

- Inventories
- Inventory extensions
- Attorney fee requests
- Agreed motions for withdrawal & substitution
- Decree confirming sale
- Application to examine safe deposit box
- Small estate affidavits
- Application to Require Financial Institution to Release Information under Estates Code Chap. 153

#### **Examples of pleadings that *usually* require a hearing, even when it's not a contested proceeding:**

- Application to sell property
- Application by a PR to purchase estate property
- Application to hire counsel for contingent fee cases where more than 1/3 is sought as a fee
- Application for allowance
- Applications for distribution
- Motion to set aside exempt property
- Motions to withdraw where no attorney substituting in
- Motion for substituted service
- Motion to ratify

## 4. Procedures for pleadings and proposed orders when there will be a hearing

*(For will prove-ups and heirships, see #1 above instead of what follows.)*

**Pleadings.** Now that the Clerk's Office is neither printing pleadings nor keeping a complete paper file, the Court appreciates getting courtesy copies of relevant pleadings **IF** it's a hearing where many pleadings will be heard – or where especially long pleadings will be heard. For courtesy copies to be helpful, the Court does need them in advance – but **not** before a hearing is set! Clearly mark as a courtesy copy, and **include date and time of the hearing**.

**Orders.** **When there will be a hearing, the Court prefers that you email proposed orders to the Court**, even if you *also* follow the e-filing procedures in #3 above:

- Email in editable format (preferably Word or rtf).
- Put the date of the hearing in the subject line.
- Email to the appropriate person at the Court, depending on the type of hearing:

For hearings related to accountings, reimbursements, or fees	<a href="mailto:probate.auditors@traviscountytexas.gov">probate.auditors@traviscountytexas.gov</a>
For hearings related to guardianships and management trusts (except for accountings, reimbursements, or fees)	<a href="mailto:victoria.seybold@traviscountytexas.gov">victoria.seybold@traviscountytexas.gov</a>
For heirships (please see #1 on previous page)	<a href="mailto:heirships@traviscountytexas.gov">heirships@traviscountytexas.gov</a>
For hearings on the uncontested probate docket	<a href="mailto:mike.jones@traviscountytexas.gov">mike.jones@traviscountytexas.gov</a>
For all other hearings	<a href="mailto:mike.jones@traviscountytexas.gov">mike.jones@traviscountytexas.gov</a>